

## **TITLE 16. CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (CBOT) is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 pm on September 5, 2011.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the CBOT. The request must be received in the CBOT office not later than 5:00 pm August 22, 2011.

The CBOT, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Business and Professions Code Sections 901 and 2570.20, and to implement, interpret or make specific Section 901 of said Code, the board is considering changes to Division 39 of Title 16 as follows:

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The CBOT proposes to adopt Sections 4116, 4117, 4118, and 4119, in Article 2.1 of Division 39, Title 16, relating to Sponsored Free Health Care Events.

On September 23, 2010, Governor Arnold Schwarzenegger signed AB 2699 (Bass, Chapter 270, Statutes of 2010), enacting Business and Professions Code (BPC) Section 901 ("§ 901"), which took effect January 1, 2011. This statute provides a regulatory framework for certain health care events at which free care is offered to uninsured or under-insured individuals by volunteer health care practitioners where those practitioners may include individuals who may be licensed in one or more states but are not licensed in California. Prior to this enactment, licensing laws precluded the participation of volunteers licensed outside of California. § 901 defines "sponsoring entities," "sponsored events," and "health care practitioners," and sets forth requirements for registration of sponsoring entities and authorization for participation by practitioners licensed in other states by the various boards responsible for licensure and regulation of healing arts.

These proposed regulations would implement, interpret, and make specific the provisions of § 901 by specifying procedures and forms to be used by sponsoring entities and out-of-state practitioners who desire to participate in sponsored events. The board's highest priority is the protection of the public and these proposed regulations are intended to implement § 901 in a manner that will provide the greatest protection for the people of California.

The CBOT is hereby incorporating by reference the following forms:

- Sponsored Free Health Care Events-Registration of Sponsoring Entity, CBOT 901-A (Rev 9/2011)
- Request for Authorization to Practice Without a California License at a Registered Free Health Care Event, CBOT 901-B (Rev 9/2011)

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None.

Business Impact: This regulation will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. This initial determination is based on evidence/documents/testimony:

The regulation impacts nonprofit organizations sponsoring free health care events and practitioners from other states volunteering in California. There is some impact to the out-of-state volunteers in that they will be required to submit the processing fee to receive authorization to participate. This fee will have to be factored into the cost of the individual's volunteered services. The fee may be covered by sponsoring entities, who will also incur minor costs with respect to maintaining records for their volunteers, reporting to Boards after the events and filing a registration as appropriate. Those costs are imposed by the statute and not by the proposed regulations.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

### COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:

There is no significant impact on private business or representative private persons, except to clarify licensee representations that demonstrate professional qualifications of occupational therapy practitioner(s) to be in a manner inconsistent with the public health, safety or welfare. Minor costs will be involved in respect to the maintenance of records of volunteers, reporting to the CBOT after the event, and filing a registration as appropriate.

EFFECT ON HOUSING COSTS: None

### EFFECT ON SMALL BUSINESS:

There is no significant cost impact on small business. Minor costs will be involved in respect to the maintenance of records of volunteers, reporting to the CBOT after the event, and filing a registration as appropriate.

### CONSIDERATION OF ALTERNATIVES:

The Board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed, or be as effective as and less burdensome to affected private persons than the proposal described in this Notice.

### TEXT OF PROPOSAL AND INITIAL STATEMENT OF REASONS AND INFORMATION:

The Board has prepared an initial statement of reasons that sets forth the reasons for the proposed action and has all the information upon which the proposal is based.

Copies of the exact language of the proposed regulation, any documents incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained from the Board's website as listed below or upon written request from the contact person listed below.

### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE:

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board's website as listed below.

### CONTACT PERSON:

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Jeff Hanson  
California Board of Occupational Therapy  
2005 Evergreen Street, Suite 2050  
Sacramento, CA 95815  
(916) 263-2294 (Tel)  
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cbot@dca.ca.gov

The backup contact person is:

Heather Martin

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2005 Evergreen Street, Suite 2050  
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**Website Access: All materials regarding this proposal can be found on-line at [www.bot.ca.gov](http://www.bot.ca.gov) > Laws and Regulations > Proposed Regulations.**